

1642

JLW

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PATENT  
Attorney Docket No.: 021044-001210US  
Rigel Ref. No. P.0071.01.US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On

TOWNSEND and TOWNSEND and CREW LLP

By:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

HITOSHI et al.

Application No.: 10/026,021

Filed: December 21, 2001

For: SAK: MODULATION OF  
CELLULAR PROLIFERATION FOR  
TREATMENT OF CANCER

Customer No.: 20350

Confirmation No.

Examiner: M. Yu

Technology Center/Art Unit: 1642

RESPONSE TO RESTRICTION  
REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed August 17, 2004, Applicants elect Group II, claims 9-38, drawn to a method of identifying a compound that modulates cellular proliferation by determining the functional effects of the compound upon the SAK polypeptide, classified in class 435, subclass 15.

The foregoing election is made with traverse, as the six groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-VI, in particular Group I, would not place a substantially

HITOSHI et al.  
Application No.: 10/026,021  
Page 2

PATENT

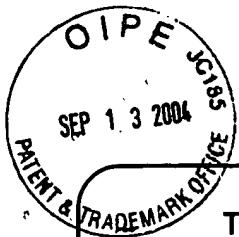
greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
Annette S. Parent  
Reg. No. 42,058

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PTO/SB/21 (04-04)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/026,021

Filing Date

December 21, 2001

First Named Inventor

Hitoshi, Yasumichi

Art Unit

1642

Examiner Name

M. Yu

Attorney Docket Number

021044-001210US

**ENCLOSURES** (Check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)         |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences      |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):          |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | Return Postcard  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | Remarks   | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

Townsend and Townsend and Crew LLP

Annette S. Parent

Reg. No. 42,058

Signature

Date

**CERTIFICATE OF TRANSMISSION/MAILING**

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